

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN DOE,

Plaintiff,

v.

ROCHESTER INSTITUTE OF TECHNOLOGY,

Defendant.

AMENDED SCHEDULING ORDER

21-CV-6761G

Pursuant to a letter having been received by Philip A. Byler, Esq., counsel for plaintiff, dated October 19, 2022, requesting on behalf of all parties an extension of the deadlines contained in this Court's May 3, 2022 Scheduling Order (Docket # 15), and good cause having been shown, it is

ORDERED that:

1. The **telephone status conference** set to be held with the undersigned on October 25, 2022, at 10:00 a.m., is adjourned until **November 30, 2022**, at **11:20 a.m.**, to discuss the status of the case and the possibility of settlement. **Dial-in instructions will be emailed to counsel prior to the conference.**
2. All factual discovery in this case, including depositions, shall be completed on or before **December 9, 2022**. All motions to compel discovery shall be filed at least thirty (30) days prior to the factual discovery cutoff.
3. Any requests for admissions shall be made by **December 23, 2022**.

4. Plaintiff shall identify any expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(A) and provide reports pursuant to Rule 26(a)(2)(B) and/or disclosures pursuant to Rule 26(a)(2)(C) by **January 13, 2023**. Defendant shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **January 13, 2023**. Parties shall complete all discovery relating to experts, including depositions, by **February 14, 2023**.

5. Dispositive motions, if any, shall be filed no later than **March 10, 2023**. Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Judge Geraci.

6. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- (1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.

- (2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- (3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

No extension of the above cutoff dates will be granted except upon written application, made prior to the cutoff date, showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

IT IS SO ORDERED.

s/Marian W. Payson
MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
November 1, 2022